

Joint Department of State/Department of Homeland Security Report: Status of the Afghan Special Immigrant Visa Program

Introduction

The Department of State (State), the Department of Homeland Security (DHS), and other U.S. government departments and agencies involved in the U.S. Special Immigrant Visa (SIV) program are committed to helping the men and women who have taken enormous risks to support our military and civilian personnel. Congress, under section 602(b) of the *Afghan Allies Protection Act of 2009*, as amended, requires this quarterly report to review statistical data on nationals of Afghanistan who have applied for status as special immigrants.

State issued 7,223 SIVs to Afghans in FY 2018, including 1,649¹ principal applicants. As we continue to strive for process improvements, we also continue to ensure thorough screening for national security concerns. SIV issuance numbers through the second quarter of FY 2019 are available on travel.state.gov.

The Consolidated Appropriations Act for FY 2019, as enacted on February 15, 2019, authorized 4,000 additional SIVs for Afghan principal applicants, for a total of 18,500 visas allocated since December 19, 2014. As of March 31, 2019, State has issued 12,197 out of the available 18,500 SIVs to Afghan principal applicants who are employed by, or on behalf of, the U.S. government in Afghanistan, or by the International Security Assistance Force (ISAF) or a successor mission to ISAF.

Average Wait Times for Each Step of the SIV Application Process

All steps in the SIV application process are outlined below and include the current average processing time for all involved U.S. government entities. This statistic captures total U.S. government processing time in calendar days, beginning with the applicant's initial submission of documents to State's National Visa Center (NVC) and ending with the date of visa issuance at a U.S. embassy or consulate.² It does not capture those steps in the SIV process that depend solely on the applicant's initiative and are outside the control of the U.S. government. SIV applications move through 14 steps, in the following four stages: the Chief of Mission (COM) application process; Form I-360 petition adjudication by DHS; visa interview and security screening; and final visa adjudication (issuance or denial).

¹ Figures include adjustment of status data from U.S. Citizenship and Immigration Services.

² The Department of State's National Visa Center ("NVC") should not be confused with the National Vetting Center, also known as NVC, established under the National Security Presidential Memorandum 9.

| Special Immigrant Visa (SIV) Processing Steps ¹ | | | |
|--|------|--|---|
| Stage | Step | Description | Average processing times in calendar days |
| Chief of Mission (“COM”) application process | 1 | Applicant submits COM application package to State's NVC. | Applicant-controlled |
| | 2 | NVC reviews documents for completeness. | 10 |
| | 3 | NVC sends completed package to the COM Committee at the U.S. Embassy Kabul. | 1 |
| | 4 | The COM Committee reviews the application and makes a decision to approve or deny. | 237 |
| | 5 | The COM Committee advises NVC if the application is approved. If approved, NVC immediately sends approval letter to applicant. (If any documents reveal that applicant does not qualify for the program, the COM application is denied.) | 5 |
| Form I-360 adjudication process | 6 | Applicant self-petitions to DHS U.S. Citizenship and Immigration Services (“USCIS”) using form I-360. | Applicant-controlled |
| | 7 | USCIS adjudicates petition and sends to NVC if approved. ² | 32 |
| Visa interview process, | 8 | NVC sends instruction packet to applicant requesting standard | 10 |

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| including pre- and post-interview ³ | | immigrant visa documentation. | |
| | 9 | Applicant submits required documentation to NVC. | Applicant-controlled |
| | 10 | NVC reviews documents for completeness. | 3 |
| | 11 | NVC schedules applicant for next available interview at the U.S. embassy's consular section. | 210 |
| | 12 | Applicant is interviewed by consular officer on the scheduled appointment date. Administrative processing is initiated following the interview. | 2 |
| | 13 | The applicant's case undergoes administrative processing. ⁴ | 54 |
| Visa issuance to eligible applicants | 14 | Upon completion of administrative processing, applicant is instructed to obtain a medical exam. The visa is issued if applicant is eligible. In some cases, the passport will have expired and requires renewal by the applicant. | Applicant-controlled |
| | | Total U.S. government processing time in calendar days⁵ | 564 |
| ¹ Processing steps are for SIVs authorized under section 602(b) of the Afghan Allies Protection Act of 2009, as amended. This applies to Afghan nationals in the SQ classification. | | | |
| ² For I-360 petitions filed with USCIS between January 1 and March 31, | | | |

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| 2019. |
| ³ The majority of applicants receive SIV status by going through the process explained in this chart. Applicants who obtain SIV status in the United States apply for adjustment of status from USCIS. |
| ⁴ Line 13 totals include data for SIV applicants who completed administrative processing between January 1 and March 31, 2019. Average processing time for cases that remain pending cannot be calculated until they are completed. |
| ⁵ The statistics in this chart were formerly reported in business days in reports published April 2014 – April 2016. U.S. government processing times do not factor in applicant-controlled steps. Overall processing times are greater than U.S. government processing times. |

Applications Pending Longer Than Nine Months

Even if an applicant has acted promptly in each of the applicant-controlled steps that precede Step 13 of the SIV application process, applications may be pending longer than nine months for completion of administrative processing (Step 13). Administrative processing is essential to the integrity of the SIV program, and process enhancements have resulted in improved efficiency.

Applications Pending at Each Stage of the SIV Application Process

As of March 31, 2019, the following numbers of Afghan applicants were pending in one of the application stages:

- Step 1 – 7,755 principal applicants had COM applications pending at NVC, for which the applicant had taken action within the past 120 days. These applicants had submitted some, but not all, of the documents required to apply for COM approval.
- Step 7 – 249 principal applicants had Form I-360 petitions pending with USCIS.
- Step 11 – 491 principal applicants and 1,998 derivative family members were pending scheduling for visa interviews. Most Afghan applicants will be interviewed at Embassy Kabul, as they reside in Afghanistan. Applicants who reside outside of Afghanistan will be interviewed at the U.S. embassy or consulate that adjudicates immigrant visa applications for their country of residence.
- Step 13 – Applications for approximately 973 principal applicants and 151 family derivative members were undergoing administrative processing.

Number of SIV Applicants in Second Quarter of FY 2019

The following chart shows the number of Afghan applicants who applied for SIVs at a visa interview in the second quarter of FY 2019 under section 602(b) of the *Afghan Allies Protection Act of 2009*, subsequent to receiving COM approval.

| Month | Principal Applicants | Derivative Family Members | Total |
|--------------|----------------------|---------------------------|-------------|
| January | 439 | 1501 | 1940 |
| February | 334 | 1156 | 1490 |
| March | 493 | 1267 | 1760 |
| Total | 1266 | 3924 | 5190 |

Applications Denied or Pending at Each Stage of the SIV Application Process

At the end of the second quarter of FY 2019, the following numbers of applications were denied or pending at one of the application stages:

- 708 Afghan principal applicants were deemed unqualified to receive COM approval or had the approval revoked during the second quarter of FY 2019. Applicants whose COM applications are denied or revoked are able to appeal the decision. 135 Afghans submitted appeals during the second quarter of FY 2019. Of those appeals adjudicated as of March 31, 2019, 45 percent were approved after the applicant submitted additional information.
- 489 Form I-360 petitions were filed by Afghan principal applicants between January 1 and March 31, 2019. USCIS denied one petition.
- 491 principal applicants and 1,998 derivative family members were pending scheduling for visa interviews.
- Applications for approximately 973 principal applicants and 151 derivative family members were undergoing administrative processing.

Reasons for COM Denial

As reflected in denial letters sent by the COM at U.S. Embassy Kabul, denial of a COM application generally occurs for one or more of the following reasons:

- *Failure to establish qualifying employment by or on behalf of the U.S. government, or by ISAF or a successor mission.* For Afghans employed by or on behalf of the U.S. government, State considers the employment requirement satisfied for an alien hired under a direct-hire appointment, or through an agency's personal services agreement ("PSA") or personal services contract ("PSC") authority. State also has considered Afghan nationals hired by and paid through a U.S. government contractor, subcontractor, or Employee Association to meet the broader criteria for employment "by or on behalf

of” the U.S. government. State has not considered the requirement under section 602(b) to be “employed by or on behalf of the United States government” satisfied in other situations, such as individuals employed by an entity funded by a grant or cooperative agreement with the U.S. government, or self-employed businesspersons who operate under a license with the U.S. government. For Afghans employed by ISAF, or a successor mission, Section 1227 of the FY 2015 National Defense Authorization Act states that qualifying applicants must be employed “by the International Security Assistance Force,” interpreted to include direct hires by ISAF or ISAF member nations. The National Defense Authorization Act for FY 2017 requires Afghans employed by or on behalf of the U.S. government who submit an application for Chief of Mission approval on or after December 23, 2016, to further establish that their employment required them to serve as an interpreter or translator for personnel of the Department of State or USAID; to serve as an interpreter or translator for U.S. military personnel; or to perform sensitive and trusted activities for the U.S. government.

- *Insufficient documentation.* Applications are denied for this reason if the applicant fails to provide a required document, or if there is a deficiency in a document provided by the applicant.
- *Failure to establish the required length of employment by or on behalf of the U.S. government, or by ISAF or a successor mission, during the period specified in section 602(b) of the Afghan Allies Protection Act of 2009, as amended.* Applicants who submitted applications for COM approval on or before September 30, 2015, must demonstrate one year of qualifying service. Applicants who submitted or submit applications for COM approval on or after October 1, 2015, must demonstrate two years of qualifying service.
- *Failure to establish providing faithful and valuable service to the U.S. government.* Applications denied for this reason generally have involved cases lacking the requisite positive recommendation or evaluation. In some instances where faithful and valuable service was not confirmed, employment by or on behalf of the U.S. government had been terminated for cause.
- *Derogatory information associated with the applicant that is incompatible with the requirements of the SIV program.* This reason for denial generally relates to information that the applicant engaged in an unlawful, unethical, criminal, or terrorism-related activity.